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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined sixth and seventh periodic reports of the Lao People's Democratic Republic

Addendum

Information provided by the Lao People's Democratic Republic in follow-up to the concluding observations*

[Date received: 16 October 2013]

* The present document is being issued without formal editing.

Please recycle

Paragraph 24: Violence against Women

Lao PDR

"*24. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation no. 19. To adopt a specific law on domestic violence and gender-based violence against women and to develop and implement a coherent and multisectoral national action plan to prevent violence against women, including through legal remedies effective protection measures and systematic data collection in a participatory process between government and non-governmental sectors. It also requests the State party to raise public awareness, through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and, therefore, are a violation of women's human rights. The committee requests the State party to remove any impediments faced by women victims in gaining access to justice and to immediate means of readdress and protection and recommends. The implementation of the training for the judiciary and public officials in particular law enforcement personnel health-service providers and the village Mediation Units in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. Also recommended is the establishment of quality counselling services and additional shelters for victims of violence. The committee requests the State party to provide information on the laws and policies in order to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group. The Committee also recommends that the State party undertake studies and / or surveys on the extent of such violence and its root causes*[1]".

Introduction

1. Lao PDR, as a State Party to CEDAW, strives to eliminate all forms of discrimination against women. The State seeks necessary measures to prevent and combat violence against women and girls, which it considers as a major obstacle and hindrance to the advancement of women in national development, to the realization of gender equality in the family, and to building of a prosperous Lao society.

2. After submitting the 6th and 7th combined periodic report to the UN CEDAW Committee in 2008, the Lao PDR has continued to promote and strengthen national and local organizations concerned with the advancement of women. Special efforts were done to strengthen the Lao National Commission for the Advancement of Women (NCAW) and the Lao Women Union (LWU) which constitute the core mechanisms in mainstreaming gender into various sectors to ensure social justice for women and to combat violence against women. This is being achieved by improving and expanding the network of NCAWs and counselling centres for women and children throughout the country, from the central to local levels. These aimed to strengthen the capacities of officials at all levels to fully fulfil their duties

[1] Concluding Observations of CEDAW Committee: Towards the combined 6th and 7th periodic Report of the Lao PDR. Forty-fourth Session. 20 July-7 August 2009. Lao National Commission for the Advancement of Women, December 2009.

and to create conditions for these organizations to increase cooperation with all other functional organizations in the elimination of all forms of discrimination against women.

3. The Concluding Observations issued by the CEDAW Committee in 2009 has been disseminated by the Lao PDR to the Commissions for the Advancement of Women at all levels so that officials concerned are made aware and deeply understood them. A committee in charge of the preparation of the sub-reports was established in 2011. The committee consisted of representatives from the Commissions for the Advancement of Women from all relevant ministries, centres and other organizations.

4. The report preparation involved seminars and meetings that were organized by Lao NCAW to discuss information and experiences. They reviewed all activities that were relevant to the Concluding Observations of the CEDAW committee, particularly on paragraph 24 regarding Violence against Women.

Adopt comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19.

5. The Lao PDR is a state party to seven core human rights conventions and two optional protocols: the International Convention on Civil and Political Rights (ICCPR); International Convention on Economic, Social and Cultural Rights (ICESCR); International Convention on the Elimination of all forms of Racial Discrimination (ICERD); Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); Convention on the Right of Persons with Disabilities (CRPD); Convention on the Right of the Child (CRC) and the CRC Optional Protocols regarding the Sale of Children, Child Prostitution and Child Pornography, and the Involvement of Children in Armed Conflicts; and Convention Against Torture and other Inhuman, Cruel and Degrading Treatment (CAT). In addition, the Lao PDR is also a party to eight conventions of the International Labour Organization (Conventions No 4, 6, 13, 29, 100, 111, 138, 182), and the Protocols to prevent, suppress and punish trafficking in persons, especially women and children supplementing the United Nations Convention Against Transnational Organized Crime. In principle, the provisions of these human right treaties have been largely incorporated in the Lao PDR's national Laws and regulations.

6. After the Lao PDR became a state party to these Conventions, the State has established inter-agency mechanisms to promote and protect human rights such as the National Steering Committee on the Preparations for the Ratification and Implementation of the International Conventions on Human Rights, and the National Steering Committee on the Preparation for the Universal Periodic Review, the National Steering Committee on Reporting on the implementation of the International Convention on the Elimination of All forms of Racial Discrimination, the National Commission for the Advancement of Women, the National Commission for Mothers and children, the National Committee for Disabled People, the National Committee for Rural Development and Poverty Alleviation, and the National Committee Against Human Trafficking. In 2012, the National Steering Committee on Human Rights was established with a view to enhancing inter-agency coordination in the promotion and protection of human rights.

7. The Lao PDR considers its Constitution and Laws as policy measures to eradicate all forms of discrimination against women. During the first Congress of

the National Assembly VII on 24 June 2011, the National Assembly has adopted the plan to revise and create new Laws, including 89 laws, many of which are concerning the promotion of the advancement of women and the protection of women's and children's rights. These include the Law on Development and Protection of Women; Protection of Children Rights and interests, People's Courts, Penal Law, Family Law, the Labour Law, Law on Education and other legal instruments of the county.[2]

8. Besides these laws, the VII National Assembly Congress also adopted the Women's Parliamentary Caucus or Women's Caucus (WC) of the National Assembly that includes 33 women members. The WC has been playing an important role in gender mainstreaming. It reviews and drafts laws on gender, monitors laws on women and children, monitors the policy on gender equality towards achieving the Millennium Development Goals (MDGs).

Some of the internal measures

9. Chapter IV, Article 35 and 37 of the Lao Constitution states that men and women have equal rights and duties before the Law including civil, political, economic, social and cultural rights. Article 29 also indicates that the state, society and families contribute to the implementation of development policies and support for the advancement of women. Besides these, they should protect the legitimate rights and benefits of women and children.[3]

10. Article 1 of the Law on Development and Protection of Women (2004) stipulates that "The Law on the Development and Protection of Women is issued to guarantee and promote the roles of women, to define the fundamental contents of, and measures for developing and protecting, the legitimate rights and interests of women, and to define the responsibility of the State, society and family towards women with the [following] aims[:] promoting the knowledge, capability and revolutionary ethic of women, [and] gender equality[;] eliminating all forms of discrimination against women[; and] preventing and combating trafficking in women and children and domestic violence against women and children, in order to [create conducive conditions for] women to participate and to be a force in national defence and development."[4]

11. The Lao PDR also gives importance to the promotion and protection of the rights and interests of children. The government is actively implementing the principles and provisions of the Convention on the Rights of Children by emphasizing the care and the protection of children from danger, abuses, labour and sexual exploitation, human trafficking, drug abuse, UXOs and other kinds of violence.[5] Article 1 of the law on the rights and benefits and protection of children

[2] Lao PDR, 2010. National Report of the Lao PDR under the Universal Periodic Review (UPR), Ministry of Foreign Affair, Vientiane, Lao PDR.

[3] CLWU, 2010. Summary of some Articles of the Lao Constitution and Laws relevant to Women's rights and duties. Edited by Department of employee's benefits and right protection, LWU, supported by International Law Project 00062427, Ministry of Foreign Affairs, March 2010.

[4] Law of the Development and Protection of Women , Translation Endorsed by the Law Committee of the National Assembly of the Lao PDR, http://www.ilo.org/dyn/travail/docs/1425/Law%20on%20the%20Development%20and%20Protection%20of%20Women%202004.pdf accessed on 13 July 2013.

[5] Lao PDR, Ministry of Labour and Social Welfare, Labour, Management Department, Annual Report, date?

(2006) states that "The law on the rights, benefits and protection of children has defined the rules, regulations and measures on the management, monitoring and evaluation of the implementation on the rights and benefits, and protection of children including the sanctions on the people who violate children's rights. This is to develop the children's physical, mental, intellectual knowledge, ability and, morale, and improve the quality of life of children in society and nurture the young generation of the country". Article Nos. 3-10 identity on the rights, benefits, equality and participation of children, including the responsibility of the state, society, family and parents.[6]

12. In addition, the Law on the People's Courts (2004) indicates that all Lao citizens are equal before the law and the courts, irrespective of their gender, race, ethnicity, socioeconomic status, language, education level. occupation, beliefs, place of origin or other qualifications. Lao citizens have the right to take to court issues pertaining to any actions that violate their lives, health, rights and freedoms, dignity or properties.

13. The Article 177 of the Revised Penal Law (2005) also indicates that "any person who discriminates against women, or who excludes women, or prevents or restricts the participation of any women in any political, economic, social-cultural, or family activity, on the basis of sex, shall be punished by imprisonment from one year to three years and shall be fined from 1,000.000 Kip to 3,000,000 Kip" (Lao Kip). Article 128 on Sexual violence states that "Any person using force, armed threats, drugs or other substances, or other means to place a woman in a state of helplessness in order to have sexual intercourse with the woman against her will, where such woman is not the offender's spouse, shall be punished by three to five years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip." Article 129 of Penal Law (Child sexual violence) also states that "any person who have sex with a girl or boy aged under 15 years old must be jailed from 1 to 5 years and fined from 2.000.000 to 5.000.000 kip."

14. Article 2 of the Revised Family Law (2008) provides that "men and women have equal rights in all aspects pertaining to family relationships"; Article 5 indicates, "the state and society protect the interests of mothers and children in family life (when a married couple live together) and when a married couple separated or divorced."

15. Part V, Article nos. 38 to 41 of the Revised Labour Law (2006) on women and child labour indicates that pregnant women and mothers with babies are not allowed to do hard work and stand long hours. Before and after giving birth, women have the right to take maternity leave. Over and above these, women should be protected against labour exploitation and violence.

16. The government has considered that education is the core of human resource development. The Revised Education Law (2007) aims to enable all people to have access to education without any discrimination, ensuring the rights and obligations of the citizens in the field of education. Article 6 indicated that all people of the Lao nation have equal rights to participate in education. There should be no differentiation because of ethnicity, religion, sex, age or socioeconomic status.

[6] Law on the right and benefit protection of children No 05/ LNA, Vientiane, dated 27 December 2006.

To adopt a specific law on domestic violence and gender-based violence.

17. The Lao PDR has proposed to develop a specific law on anti-domestic violence and gender-based violence. Based on the proposal filed by the Lao PDR's Minister No 87/GC, date 14 January 2011, the first Congress of the National Assembly VII on 24 June 2011 has included the anti-domestic violence bill in its legislative agenda for the 5-year term of the National Assembly VII (2011-2015). The National Assembly targets the enactment and revision of a total of 89 laws consisting of 47 new laws and 42 amendments. Among the new laws to be considered is the draft bill on domestic violence and violence against women and children (VAWC) that was drafted by the Ministry of Justice in 2011. Another pending bill is on the Lao Women Union that is also expected to be approved in 2013.[7]

18. In 2010, the National Assembly organized an international-level meeting on violence against women with the delegates from different international organizations and neighbouring countries such as Thailand, Vietnam, Cambodia and Myanmar. It aimed to exchange experiences and learn the good lessons regarding the advancement, promotion and protection of women and children, including combating all forms of women domestic violence.

19. According to the Note of the National Assembly, Social Cultural Department (No. 62/NA/SCD, date 15 March 2011), data collection has informed the draft preparation of the specific law on Violence Against Women and Children that has been prepared by a committee established by the Ministry of Justice (Agreement No 079/MOJ, date 22 March 2011). An action plan of the drafting of the law consisted of 18 activities. The responsible committees are from multi-sectors, ministries and organizations that should work within the time frame of 2011-2013 when the bill is expected to be adopted.[8]

20. Even if the Anti-Domestic Violence bill has not yet been passed, policy pronouncements on violence against women and children have been included in the Law on Development and Protection of Women (LDPW) which was adopted by the National Assembly under the No 08/NA dated 22 October 2004 and endorsed by the Lao PDR President Decree No 70/LPP dated 15 November 2004. For instance, Part IV has provisions on the protection of women and children from human trafficking and domestic violence. Section 2 renounces violence against women and children in the family. Articles 29 to 33 indicate that all intentional or non-intentional acts that harm the physical and mental health and welfare of women and children should be prevented and stopped. Those whose rights will be violated can claim assistance from family members, relatives, and neighbours and from the village administration for the necessary support and services such counselling to change their wrong attitude and practices that harm family solidarity. In the worst cases of violence, which breach the criminal law, the victims have the right to formally file a complaint before the police to investigate and prosecute in accordance with criminal law. Articles 34 to 38 of the law also specified assistance to the victims of violence including protection and rescue; prosecution through the police and judicial processes, legal and psycho-social counselling for women and children victims.

[7] Revision and Creation Plan of the Laws 5 years National Assembly VII (2011---2015) No 05/NA date 24 June 2011.

[8] Reported by the committee of the Law draft preparation (Vice-Director of the Law Draft Research and foreign collaboration Institute, Ministry of Justice).

21. Part V of the Law identifies the responsible parties for the development and protection of the women. Article nos. 39-42 indicate the responsibility of the state, society, family, and the women themselves for the political, economic, social, cultural, physical, emotional, education, professional and skills development so that women are empowered and be less vulnerable to domestic violence and gender-based violence.

Develop and implement a coherent and multisectoral national action plan to prevent violence against women.

22. The Lao PDR has the appropriate national mechanisms to promote the advancement and protect the rights and benefits of women and children such as: the Lao National Commission for the Advancement of Women (Lao NCAW), Central Lao Women Union (CLWU), both of which endorsed the National Strategy Plans concerning these issues. Currently, the Lao NCAW has completed the establishment sub-CAWs at every level such as in 14 ministries. Its current structure now consists of the ministry-level Commission for the Advancement of Women (MCAW), in 15 organizations (OCAW), and in 16 Provinces (PCAW), and each Province also has organized the District Commission for the Advancement of Women (DCAW).

23. Previously, the Lao NCAW and CLWU worked together in parallel efforts at all levels on the promotion of gender mainstreaming and advancement of women and children rights and protection. These organizations also created a network from the central to the local provinces, districts to village levels and continued the dissemination of the laws and prime minister decrees mandating the implementation of laws, regulations and legislations especially on laws on the development and protection of women, family law, penal law, etc. at both national and rural community levels. These aim at raising awareness and education of Lao women in multi-ethnic communities so that they understand the laws and refrain from violence against women within their family and community. In the process, Lao women can have access to the justice in society even if gradually, and some women can help prevent violence against women within their family by accessing the counselling services of a mediation unit within their villages.

24. While he CLWU and the Lao NCAW are the core mechanisms, there is coordination with multi-sectors and national organizations - both state and private sectors, non- governmental and other international organizations, to implement and develop the National Action Plan to prevent violence against women. They are organizing workshops to disseminate the laws on women protection and development of measures to speak out on violence against women. At the same time, they warn women and their families on the effects of violence so that women and youth will understand and apply the law on women and children rights and protection, and be informed about the facts of violence including the statistics and actual cases of children and Lao migrant workers who have been victims of violence.

25. Aside from the Lao National Commission for the Advancement of Women (Lao NCAW) and the Central Lao Women Union (CLWU), other organizations that have functions and responsibilities relating to the promotion of health care, education development for children and protection of women and children's right and benefits include the National Commission for Women and Children (NCWC), the Central Lao Youth Union (CLYU), and ministries such as the Ministry of Education and Sport (MoES), the Ministry of Labour and Social Welfare (MoLSW),

the Ministry of Justice, the Ministry of Public Security, and the Central Lao Front for National Construction. These organizations operate from the central to local and grassroots levels, in developing and implementing a coherent and multisectoral national action plan to prevent violence against women within the family and in society.[9]

Through legal remedies, effective protection measures and systematic data collection, in a participatory process between the Government and non-governmental sectors.

26. In the recent years, the Lao PDR has improved on some articles of the Constitution and laws, including measures, which are concerned with protection of women and children. In order to make the protection measures effective, the National Assembly has reviewed and revised some measures based on the current socioeconomic situation of Lao society. These contribute to the implementation of the CEDAW, with focus on administration of justice, social and culture, labour, natural resources and others. The implementation of these are based on the systematic data collected from the central to the local communities and with the participation of several sectors such as state organizations (ministries, mass organizations, departments, labour units, provincial/ district and village administration); NGOs (acting for women in distressed circumstances (Afesip Laos), including the contribution, recommendation and participation of other international organizations (UNDP, UNICEF, UNWOMEN, NCA, UNIAP, ASIA Foundation and others).

27. In the process of the revision of laws and other regulations concerning children and women's right protection, international organizations such as UNDP and NGOs played important role. They are supported by the CLWU who helped collect data that informed the revision of laws into the Law on Development and Protection of Women. Additionally they are also supported by the Gender Resource Information & Development (GRID) Centre in conducting the Domestic Violence Survey in the Lao PDR in 2008-2009. They also supported the Lao NCAW in the implementation of the 1st five year (2006-2010) of the National Strategy for the Advancement of Women, and drafted the 2nd five-year (2011 2015) National Strategy. These include a number of workshops on gender mainstreaming and VAW discussions at the national and local level. In addition, UN Women also played a significant role in implementing programmes to support gender equality, with a particular focus on CEDAW and a workshop for the follow up report preparation.

28. Only a few NGOs focus on domestic violence and violence against women. The Gender Development Group (GDG), a network organization of twenty NGOs, highlights gender-based violence in its advocacy agenda. GDG's activities focused on gender training, research on domestic violence in 2004, and dissemination of information and visiting villagers who faced domestic violence. In addition, the Counselling Centre for Women and Children Protection (CCWCP), through the CLWU, received the contribution from international organizations, non government organizations and other organizations such as: UNICEF (Children Protection Division); UNDP, UN WOMEN), NCA and others.

[9] Report on Children's Aid in 2008 – 2010 and Action Plan 2011, Lao PDR (2011), Ministry of Labour and Social Welfare.

Raise public awareness, through the media and education programmes, about the fact that all forms of violence against women are a form of discrimination under the Convention and, therefore, are a violation of women's human rights.

29. The Lao PDR has organized a public awareness raising campaign on counteracting all forms of violence and discrimination against women and children and on human rights by disseminating through various channels e.g. the Lao Youth Union and the Lao Women Union. These jointly conducted the awareness campaign among the children and the youth at the primary and secondary schools, at education institutes, and among the villagers at the local communities. In addition, messages were broadcasted in national and local radio and televisions programmes, were frequently published in newspapers and related media, and through the education projects at the ministries and departments.

30. The information on the principles and human rights standards, key provisions of international laws (United Nations Charter, the Universal Declaration of Human Rights (UDHR), and the human rights treaties to which the Lao PDR is a party) are reflected in the content of national laws and regulations that the Lao PDR has disseminated to the civil servants, government senior officers, officers at central and local level as well as the general public. These are organized by the Department of Treaties and Laws of Ministry of Foreign Affairs, including the printing and dissemination of many international treaties and conventions in 2010.[10]

31. The Lao PDR also gives importance to human rights study and research. The Ministry of Education and Sports developed a human rights education curriculum and established a Human Rights Unit at the Faculty of Law and Political Sciences of the National University of Laos in order to improve the curriculum and teach the basic knowledge of human rights at the Faculty. A Human Right Research Centre was also set up within the National Academy of Institute of Social Sciences in order to conduct research in human rights.

32. The Ministry of Culture and Tourism, the Ministry of Industry and Commerce and Gender Development Group, an NGO network, are working on media programmes on violence against women, providing data and information on gender equality, on the convicted cases of women and children violence that occurred in the community through newspaper articles, magazines, commentaries, brochures, and on radio and television broadcasts.

33. The NCAW and CLWU have effectively committed its role and duty on promoting gender equality and women rights protection at every level. They contributed to the implementation CEDAW Convention with the collaboration of the provincial, district and village authorities. They provided the basic knowledge on gender equality and the renouncement of the violence against women within the family by conducting trainings and workshops on gender equality mainstreaming, laws and regulations on women and children protection to various target groups, especially with counselling coordinators and officers at the central and local areas. They also cooperated with national television networks (Lao Star channel and Lao channels), which produced the drama to reflect the danger and worse consequences of violence against women, in two ethnic languages- Hmong and Khmu.

[10] National Report of the Lao PDR under the Universal Periodic Review (UPR), Ministry of Foreign Affairs, Vientiane, Lao PDR 2010.

34. On the occasion of the Human Rights Day, Anti-Corruption Day, the International Day of the World's Indigenous Peoples and other occasions relating to the promotion and protection of human rights, the Lao Government, together with the UN and other development partners, organized their respective commemorative events to disseminate relevant information and further raise awareness on the respect for and the protection of women rights and human rights in the Lao PDR.

35. At the regional level, the Lao PDR has actively participated and made meaningful contributions to the processes leading to the establishment of the ASEAN Inter-Government Commission on Human Rights. At the bilateral level, the Lao PDR has conducted human rights dialogues with foreign countries, namely Sweden, Australia and the European Union, to exchange lessons, experiences and good practices in the promotion and protection of women rights in order to promote mutual understanding and enhance cooperation and technical assistance in the said area.

Remove any impediments faced by female victims in gaining access to justice and to the immediate means of readdress protection.

36. The national policy in this regard aims at removing obstacles to the advancement of women. The government has embarked on gender mainstreaming in its development programmes, plans and projects. Women, in particular, are given the opportunity to be involved, together with men, in higher education, employment and to participate in political activities and socioeconomic development in both state and private sectors.

37. The government has paid great attention to poverty alleviation of all ethnic groups to gradually improve their living conditions. The government put emphasis on human resource development, elimination of illiteracy amongst the ethnic people both men and women in the rural, remote and mountainous areas, eradication of traditional beliefs and practices that violate human rights e.g. early marriage, dissemination of necessary laws and regulations concerning gender equality, advancement, development and protection of women's right. These programmes include provision of education and health care network to remote areas encouraging ethnic people to change their livelihoods based on the nature and their prejudicial customs.

Poverty is one of the impediments faced by women.

38. The Lao PDR highlights poverty alleviation as top priority on its socioeconomic development policy. It aims to relieve the poverty of its multi ethnic people, including women and children at mountainous, remote areas, to lift them from the acute poverty and from relying on the superstitious beliefs and their prejudicial indigenous cultural traditions that maintain oppression within the family, which are among the main obstacles for women to access to the justice. It is well known that women living in poor environment are facing the risks of violence, due to their low education, poverty, and the lack knowledge regarding human and womens' rights.

39. The Lao Government has adopted and implemented the National Socioeconomic Development Plan (NSEDP) for the period from 2006-2010, which is part of the Ten-year Development Plan for 2001-2010, focusing on alleviation of poverty in the 47 poorest districts in the country. The government also adopted and implemented 11 programmes and 111 projects concerning all aspects of

socioeconomic development during a five-year period. In support of these, the Lao Government has invested a huge amount of money/per year for rural development and poverty alleviation in the countryside. For instance in 2008 – 2009, such investment value amounted to 344,120 billion Kip (or U$43 Million) hence, has contributed to the sustained annual economic growth of 7% on national average and per capita income of $ 810 (2008), compared to $300 per capita in the 1970s before the introduction of the New Economic Mechanism. Overall, national poverty incidence has decreased gradually from 48% (1990) to 26,8% (2008).[11]

Elimination of illiteracy, promotion of women and girls' education equal to men's education

40. To strengthen the women and girls equality in education, and to provide them the opportunity to gradually have access to justice, contributing to the violence reduction within family, the Lao Government has paid attention to eradicate the illiteracy among ethnic women and girls on the mountainous and remote areas, in particular at the poorest districts, by granting the budget and the funding projects to construct more schools and dormitory facilities for ethnic indigenous girls in many strategic provinces. By carrying out the awareness campaign, women & girls' education should be strengthened and promoted. Moreover, gender equality issues has been inserted on the curriculum project of all education levels including formal and non-formal education. Through this practice, the girl's enrolment rate has increased more than the boys, i.e. in the academic year 2009 –2010:[12]

(a) 27% for girls and 25% for boys at Kindergarten;

(b) 1.5% for girls and 0.5% for boys at Primary Schools;

(c) 3.45% for girls and 1.97% for boys at Lower Secondary Schools;

(d) 3.66% for girls and 1.05% for boys at Upper Secondary Schools;

(e) 28.36% for girls and 18.39% for boys at High Vocational Colleges and Universities.

Eradication of mysterious belief and indigenous tradition

41. The superstitious beliefs and indigenous culture practiced for a long time by the ethnic groups at the remote areas, the lack of education, less opportunity to have access to information with regard to the law on gender role and equality) remain core obstacles for women to be at risks of domestic violence. So, all of these obstacles should be gradually eradicated through dissemination of laws to gain basic knowledge on human rights and gender equality and related information, from the national level to the grass roots.

42. Information are further disseminated through mass media that has developed and increased in number in the country. There are 37 radio stations and 29 TV stations at the Central and local levels. At present, the programmes of national and some local radio and TV stations also broadcast in non-official national languages, such as Hmong and Khmu languages. Apart from the media in the country, Lao

[11] Lao PDR, 2010. National Report of the Lao PDR under the Universal Periodic Review (UPR), Ministry of Foreign Affairs, Vientiane, Lao PDR.

[12] Lao NCAW (2011). National Policy Plan of Lao NCAW, the 2nd of 5 years (2011-2015), Vientiane, March 2011.

people of all ethnic groups also have access to information from various foreign sources through print media, radio, TV and internet.

The access to the justice and other tools to the protection and prompt assistance

43. Village mediation units (VMU) are the service provision mechanisms on access to justice related to laws and decrees concerning women rights and benefits. These Units disseminate and train the people to settle conflicts and to protect women's rights and benefits. Counselling Centres are also useful access points to provide the directives and information relating to laws, regulations and legislation. They advocate that women and the society at every level should be well-informed so that they will be effectively assisted and receive fair judicial judgment and adequate settlement for domestic violence cases.

Training for the judiciary and public officials, in particular law enforcement personnel health service providers and the village mediation units.

44. Besides the permanent staff of the women counselling offices in the provinces and districts, there are also the counselling coordinators who are assigned to be their representatives from such as those in the Popular Tribunal, Public Health, Labour and Social Welfare, Justice, and Public Security. These counselling coordinators have the role and duty to help women counselling offices to collect information and investigate for judgment the conflicts in accordance with the laws and regulation.

45. Training on Domestic Violence: LWU, Counselling Offices and Sub-CAW provided the short course on training of trainers and workshop sessions for the judicial and public officers and counselling coordinators at provincial and district levels These aimed to improve the knowledge, attitudes and practices of justice sector personnel regarding violence against women, particularly on legal matters, The training was also conducted among members of village mediation units so they can help women who became victims.

46. Law Dissemination: The number of laws disseminated at the district and village level in 2008 include Tort Law, Inheritance Law, Penal Law, Civil Procedure Law, Family Law, Court Fee Law, Mediation Regulation, Inheritance Law, Property Law, Constitution, Local Administration Law, Enforcement Law and others. The total number of participants at the district level is approximately 6547 people, of whom 2,201 (33.6%) are women and 4346 (66.4%) are men. Those trained at the village level are 7,996 villagers, of whom 3228 (40%) are women and 4768 (60%) are men.[13]

Counselling Activities

- In 2007-2008, the law and decree on development and protection of women, was disseminated to the counselling officers of the southern provinces in Champasak. Afterwards, the provincial counselling coordinators in 2008 provided a training for the instructors. They were supported by the UVNV;
- In 2009, the seminar on the Women Protection and Development Law's Enforcement was organized for coordinators in 8 targeted provinces, including

[13] GRID, 2009.Domestic Violence Survey in Lao PDR. Gender Empowerment for Poverty Reduction Project, CLWU. Supported by UNDP. Vientiane, Lao PDR, June 2009.

25 districts and 41 Villages to improve their knowledge of the law as a tool for their counselling work;

- In 2010, the training on the counselling tasks was conducted for the village mediation Units, and for the health providers in some provinces in the Northern and Southern Laos;
- Counselling office activities at the province level (for instance in Savannakhet) and in international workshops· The Provincial Counselling Coordinators attended the Counselling Training at the city of Hue, RS. Vietnam (December 2010), in the Study Tour in Bangkok, Thailand (January 2011); and the Provincial Counselling Steering Committee was on study tour on women and girls protection in Hue City, RS. Vietnam (November 2010). All of these are supported by NCA.

Establishment of quality counselling services and additional shelters for victims of violence.

48. The Counselling Centre for Women and Children Protection (CCWCP) was established in 12/10/2006 after the Lao government adopted the Law on Development and Protection of Women in 2004. CCWCP is under supervision of the Central Lao Women Union (CLWU). Its specific aim is to protect women and children rights and benefits as well as human rights. The Centre has effectively accomplished its mission and duty in providing the useful counsel, temporary shelters to the victims of violence, and provided the directives to the Provincial Counselling Offices (PCO) and Districts Counselling Units (DCU). They participated in projects that aimed at the elaboration of the law development and protection of women, informed the public to be aware on the location of the legal service provisions, and provided telephone-counselling service to 1,362 for women and 137 for men.

The expansion and improvement of the Counselling offices

49. The Lao PDR recognizes and promotes human, women's and children's rights, with the support of the Government and Provincial Administration's Promotion. Until 2011, the Counselling Network was extended to the local communities and systematically operated under the Lao Women Union at every level. There are Provincial Counselling Offices (PCO) established in 8 Provinces, district counselling units (DCU) in 25 Districts, and 41 Village-level units. For the other provinces, districts and villages, the Counselling Services continue to be provided by Lao Women Union at each level.

50. At the end of the year, the CCWCP, Provincial Counselling Offices and the Districts Counselling Units organized the annual meeting to conclude and draw lessons on the implementation of the action plan on providing counselling to women and children and update the action plan for the coming year. In addition, the CCWCP also conducted the survey at Vientiane Capital and its report entitled "The Violence Affected the Children at Schools and at Home" was published by the Counselling Centre in 2007.

The Provision of Counselling Services

51. The Counselling Centre for Women and Children Protection (CCWCP) provided free counselling on legislation, health and morality to affected women and

children, who sought assistance, and provided shelter to the women and children victims. There are two kinds of services provided: face-to-face and telephone counselling. In the last years (2006 to 2011), the counselling centre has provided counselling services to 30,609 persons, of whom 22,226 (72 %) are women and 8,838 (28 %) are men; 13.078 (43 %) persons are aged under 18 years and 17,531 (57%) are aged over 18 years.

The CCWCP provided counselling services for a total of 36,325 counts, of which of 7,097 (20 %) are face to face counselling, 29.228 (80 %) are by telephone. These covered 6,909 cases - most are the application for separation and divorce caused by misunderstanding between the couple on issues of gender inequality; rape cases of girls; physical injuries, human trafficking; lovers' quarrels; common property conflict; land property issues; children dropping out of schools; disruption of children's support for the divorced family; drug addiction; break up of conjugal engagement; traffic accidents; unemployment and poverty issues.

52. At the provincial level: To illustrate, the counselling office in Savannakhet, which was established in 2007, has organized 348 dissemination sessions to a total of 20,680 participants, including 16,179 women and 4,501 men. The sessions tackled the Law on Development and Women Protection, the CRC and CEDAW Conventions. To date, a total of 70 were counselled, 67 of whom were women. Counselling services had total 191 service counts: face-to-face counselling was done 104 times and by telephone, 87 times. Of the 70 cases, 59 were resolved and 11 cases are still in progress. The main issues of counselling are separation and divorce, the drug abuse, and in 2 cases, the foreigners did not respect (undervalued?) the Lao Women. Moreover, the Ministry of Justice also has disseminated to counselling officers and employees on the laws and regulations related to the women and children protection and also provided knowledge of gender equality in the family and society.

Counselling office Promotion

53. Generally, the state promoted and developed Counselling Centres by allocating in the National budget support for the set up of counselling centres for female victims. In 2011, the children and women Counselling Centre received the following budget for improving the Counselling Centre building and shelter accommodation for women and children victims in the Counselling offices in other provinces:

(a) 000 000 000 for the construction of accommodation for the victims of violence;

(b) 250,000, 000 kip (U$ 31,250) for the law dissemination, for capacity building of the counselling officers and coordinators, at Provincial and Districts Level;

(c) 90,000,000 kip (U$ 11,250) for the construction of counselling offices and the improvement of the Counselling Network all over the country;

(d) 130 000 000 kip (U$ 16,250) for helping women and children who are victims of violence.

Provide information on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group.

54. Since National Assembly of the Lao PDR has adopted many laws including the Law on Development and Protection of Women (2004), Penal Law (2005), Labour Law (2006) and Family Law (2008). CLWU and relevant organizations have disseminated these laws and policies to all levels of the Lao Women Union including rural communities for them to understand the meaning and content of the laws and jointly, to put these into effect to protect womens' rights and benefits. This was followed by the establishment of Counselling Centres that expanded into a network in local communities nationwide under the supervision of the Lao Women Union of every level. Currently, the trends in women's awareness on the their right has gradually increased. Some women who experienced violence have applied protection and redress for the violation of their rights in accordance to the Laws and other regulations.

55. In 2009-2011, Lao NCAW has conducted consultation meetings, seminars and workshops to strengthen the capacity of the Commission for the Advancement of Women at every level. It has also cooperated with OXFAM/Novib/Netherland, through UNFPA, to strengthen the capacity of the Women's Committee by carrying out various activities in order to raise awareness of violence against women, encourage women's access to health care services, education and participation in social-political activities, including activities that are relevant to the implementation of the MDGs and the CEDAW convention (UNFPA, Lao PDR, 2010).[14]

56. The impact of law enforcement are such that women can access justice and women have availed themselves of counselling services 3 times more than men. In group discussions (during field visit of the Lao NCAW in June 2011) with rural women and local authorities, they reflected that they had no knowledge and understanding about the laws and government policies before the Counselling Centres were established. Some women have endured domestic violence for as long as more than 10 years. Traditional beliefs and practice of indigenous culture dictate that husbands decide and the wives has no decision on domestic matters, that women are often verbally abused and women due to the lack of awareness on laws. After the Women Protection and Development Law was issued and enforced, many women who are violence victims gained confidence to confront their problem of domestic violence. Some became braver to fight and protest against their husband; in some cases, they negotiated a compromise. They no longer want to continue the mental, emotional and physical oppression hence, many women made efforts to strengthen themselves to find ways out. The also go learned information from media, news and ways to become self-reliant.

Undertake studies and/or survey on the extent of such violence and its root causes.

57. There were a few studies on domestic violence in Laos during the past decades. The issues of domestic violence and rape were raised for the first time nationally in 1998. The first Violence Survey (1998-1999) was conducted in 3 provinces (Xayabuly, Xiengkhuang, Savanakhet) and in Vientiane Capital by the GRID Centre in collaboration with the National Statistics Centre. The results

[14] http://www.unlao.org.

showed that there were 39 cases (1.6%) of verbal and physical abuse and sexual violence in the preceding twelve months, 32 cases (1.3%) out of 2.399 households had experienced domestic violence (15 cases had physical violence, 15 cases verbal abuse and 2 cases molestation) and 29 women (1.2%) had experienced sexual violence. Of 29 reported incidents, 15 filed cases (11 reported to village mediation unit), 2 to police and 2 to court.. This shows the important role of the village mediation unit, since most women go to them in cases of violence. However, this study also found out that the respondents still considered certain types of violence to be a normal part of married life.[15]

58. The second Violence Survey (2003-2004) was conducted in 5 provinces (Salavan, Bokeo, Vientiane, Savannakhet, Luangphabang) by Gender and Development Group (GDG). The results indicated that 35% of 1,000 women suffered from emotional violence, 17% from physical violence, and 1.6% experienced sexual violence committed by their husbands. Among these, 1.9% indicated that they were subjected to violence during pregnancy, 25% had physical injuries. Regarding the causes of violence, female respondents reported that their spouses were drunk 31% (24) and had money and work-related problems - 13% (10). In comparison, male respondents reported that their spouses were violent with them that lead to physical violence due to work related problems 30% (12), family problems 18% (7) and money problems 13% (5).[16]

59. The third Violence Survey was conducted in 2008-2009 in 5 provinces (Vientiane Capital, Savannakhet, Sayabuly, Luanphabang and Xiengkhuang) by GRID with support from UNDP. With a sampling of 1157 respondents, the results are shown as follows:[17]

(a) Prevalence of domestic violence: Overall, 20.3% (57) of respondents had ever experienced physical violence by a male partner (at least one physical abuse act during their life) and 10.7% (30) of respondents had currently experienced physical violence (at least one physical abuse act during the past 12 months).

(b) Prevalence of sexual violence: The overall incidence of women who had experienced sexual abuse by an intimate partner was 10% (28) during their life and 5.3% (15) within the current time.

(c) Acts of physical violence: The percentage of women who were slapped or having something thrown at them was 16% ever during their life, 8.5% within the current time; pushed or pulled hair 10.7% ever, 6.4% in the current time; they were hit by a partner 12.8% ever, 7.1% the current time; kicked or beat up 6.8% ever during their life, 1.4% within the current time.

(d) Acts of emotional abuse: The overall incidence of women who had experienced emotional violence was 46.6% (131) during their lifetime, and 32.4% (91) within the current time. Generally, the act most frequently mentioned by women were insults - 23.8%, intimidation and scaring - 18.8%, followed by treats of harm -12.4%.

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[15] GRID, 2000. Violence Against Women: A summary of Research from Vietnam, Preliminary Information from Lao PDR. Lao Women Union.

[16] GDG, 2004. Rural Domestic Violence and Gender Research: Lao PDR, supported by Canada fund, International Development Research Center (IDRC), Vientiane, Lao PDR. July 2004.

[17] GRID, 2009.Domestic Violence Survey in Lao PDR. Gender Empowerment for Poverty Reduction Project, CLWU. Supported by UNDP. Vientiane, Lao PDR, June 2009.

(e) Against Men: Approximately 67% of women reported never having initiated violence against a partner who was physically abusing them, 25% of physically abused women initiating violence against their partner once or twice in their lifetime. Only 7.3% of women said that they had fought back many times when confronted with male aggression.

(f) Access to legal and Social Services: The finding showed that 63% of women who were assaulted by partners reported the violence to their relatives, 18% contacted village mediation units for help (village authority), 5.6% went to meet and consulted with friends, 2.3% went to hospital for medical service, and 1% did not do anything. No one of these women used emergency shelters and Women Counselling Centre/office/and Victim Services.

(g) Causes of violence: Similar to a previous study (2003), the village mediation committees reported that the violent acts were due to excessive alcohol consumption leading to arguments, adultery, husbands have illegal wives, and cursing between the married couple. When asked about what women perceived to be the causes of violence against women in their homes, the women cited alcohol abuse, husband is a play-boy and have secret wives, lack of respect for women, problems with the children, unemployment, suspicion or jealously; accusations of infidelity or conspiracy.

(h) Perception of Domestic Violence: Fifty (50) % percent of men believed that physical abuse in families is normal and nothing should be done. Only 10% believed that problems between husband and wives are a social matter and that the community needs to come together to help prevent it and support the victim. The rest believed that it is a private problem between husbands and wives and should be kept within the home. Generally, about 70% of women and 50% of men reported that domestic violence is a serious problem in the local community.

Overall, the comparison of two surveys in 2003 and 2008, observe that there is a declining trend in violence against women in Lao PDR from 17% to 10% of physical violence and from 35% to 32.4% of emotional violence. Such trend could be influenced by existing measures and mechanisms used to prevent domestic violence in the family such as the enforcement of laws, legislations and regulations of the State. Unfortunately, sexual violence seems to have increased from 1.6% to 5.3%. However, in the earlier study conducted by GRID (1998) and in the second survey conducted by GDG (2003), similar levels of sexual abuse were recorded in 3 provinces and in Vientiane Capital of the Lao PDR. Majority of women still believe that domestic sexual abuse is a common issue between husband and wife. Most women thought that it is a sensitive issue for their family, therefore they may not have given a direct response during survey hence the percentage of sexual abuse was low. In the last survey (2008), more women understood better the issues of domestic violence, violence against women and the definition of the word "sexual violence" and perceived that all of forced sex is a sexual violence, thus, some women are likely to talk and act during this survey.

Response to the follow up recommendations contained in the Concluding Observations of the CEDAW committee following the examination of the combined 6th and 7th periodic Report of the Lao PDR on 7th August 2009.

Paragraph 43: Women Migrant Workers

Lao PDR

"43. The committee urges the State party to adopt a comprehensive gender sensitive migration policy and to continue to conclude bilateral agreements and memorandums of understanding with countries and regions to which Lao Women migrate in search for work, while ensuring that such agreements fully reflect women's human rights and are in conformity with the Convention. In addition, it requests the state party to strengthen its information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment. The State party is also urged to introduce gender responsive policies, legislation and programmes to protect outgoing, returning and incoming women migrant workers, including those who go abroad through informal channels, from all forms of violation of their rights. The committee further encourages the State party to take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of the conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment. The Committee recommends that the State party pay due attention to its general recommendation 26 in this project[18]".

Introduction

1. Labour migration in the Lao PDR is similar in status to migration in neighbouring countries in the Greater Mekong Sub-region (GMS). Changes in the socioeconomic development policies within the country and between countries have created new opportunities for rural-urban migration and cross-border migration. For example, the infrastructure development policy on road construction has facilitated the physical mobility of people from rural to urban. Moreover, the accessibility and facility of the transportation, communication, information and media linkages between ASEAN countries in the GMS are also significant factors for labour migration, particularly in support of socioeconomic projects, trade, tourism, services and others[19].

2. On the other hand, Lao PDR and Thailand have quite similar language and culture with a long history of cultural and social interaction between their peoples. Thus, the social network of Lao people in Thailand such as relatives and friends is another important factor contributing to the number of migrant workers from Lao PDR to Thailand.[20]

3. Moreover, the growth rate of socioeconomic development in Lao PDR is a significant factor for the change of living conditions between rural and urban areas, including in people's livelihood, basic infrastructure, communication, technology, media and information, tourism and service sectors. These factors have expanded rapidly especially in urban areas and in the capital city of Vientiane. These led to a

[18] Concluding Observations of CEDAW Committee: Towards the combined 6th and 7th periodic Report of the Lao PDR. Forty-fourth Session. 20 July-7 August 2009. Lao National Commission for the Advancement of Women, December 2009.

[19] Phouxay, K. (2010). Patterns of Migration and Socio-Economic Change in Lao PDR. Doctoral Dissertation, Department of Social and Economic Geography, Umea University, Sweden.

[20] Phetsiriseng, I. (2007). Gender Concerns in Migration in Lao PDR, Migration Mapping Study: A review of Trends, Policy and Programmeme Initiatives. UNIFEM, Lao PDR, April 2007.

shift in the psychosocial needs and aspirations of people such as those reflected in the demand for higher standard of living among the younger generation. In addition, the new modernity in Thailand is also a pull factor influencing the trend of undocumented migration from Lao PDR to Thailand. Majority of migrants cross the border with the border pass and/or passport on visitor or tourist visa, but proceed to overstay and work there without work visa and work permit. Some take the risk of irregular migration through informal brokers. Those migrants face the risk of exploitation, oppression, violence and human trafficking especially women and girls.[21] For some, these resulted in being arrested, detained and deported home. Those who faced this problem were repatriated to the country by the International Organization on Migration (IOM) in collaboration with the Lao and Thai authorities.[22]

4. The Lao Government has been finding ways to assist and protect the rights and benefits of migrant workers, particular those who were deported and repatriated to Lao PDR. A memorandum of understanding (MOU) between the Lao and Thai governments was signed in 2002 that signified the cooperation of the two States in resolving all issues of Lao migrant workers in Thailand by changing the undocumented migrants' status to documented workers through a process of verifying the nationality and issuing the work visa at the destination country (Thailand) especially to those who are registered by the Thai Labour department/administration. Moreover, Lao PDR, also has cooperation with the International Labour Organization (ILO) and IOM to send, receive and assist migrant workers who return to the country and to provide shelter, counselling, skills training, and to provide some fund and job upon returning to their family and local community.

Adopt a comprehensive, gender-sensitive migration policy in Lao PDR.

5. Even though the Lao PDR has not yet enacted a gender-sensitive migration policy, the government has always considered it important to resolve problems of migrant workers, and protect the right and benefits of men and women workers who work in the country and abroad. Based on the Lao Constitution and labour laws, the Lao PDR has detailed labour policy, legislations and regulations on labour protection with provisions on internal and international labour migration that are in compliance with the international conventions. Lao PDR is a state party to CEDAW and the ILO Convention, specifically on C-100 concerning equal remuneration between men and women working for the same tasks and in a similar environment in 2008; C-111 on Non Discrimination between men and women on the opportunity for employment and occupation;[23] and C-144 on tripartite dialogues involving the state, employers and employees. Moreover, the state has been assisting and protecting the rights and benefits of migrant workers, evaluating local employment opportunities annually and resolving problems of undocumented migrant workers in Thailand under the existing MOU on migrant workers between the Lao and Thai

[21] Ministry of Labour and Social Welfare, Presentation in a seminar 6-7 of June 2011 by Mr Phouvanh Chanthavong, Head of Labour Skills Development Department and Mr Khamkeng Deputy Head of Social Welfare department.

[22] Mekong Migration Network (MMN) (2008); Migration in the Greater Mekong Sub-Region "Resource book" In-depth study: Arrest, Detention and Deportation.. Asian Migration Center, Hong Kong, February 2008.

[23] Ministry of Foreign Affairs: Department of convention and law "Annual Report of the ASEAN intergovernmental commission on Human Rights" (AICHR), 2011.

governments. Every year, the two governments take turns to host the meeting to evaluate and improve the MOU implementation.

6. In accordance with the Lao Constitution, the National Assembly enacted the revised labour law in 2007 concerning labour management including the protection of female migrant workers in the country and abroad. These are supported with the following decrees: from the Office of the President, No. 05/PO on the implementation of the labour law; Prime Minister Office Degrees: No 68/PMO on dispatching Laotian workers abroad; No 036/PMO on labour skills development and No 232/PMO on adopting the National Strategic Plan on Social Welfare Development from 2011-2020 and No 236/PMO on adopting the National Strategic Plan on skilled labour development from 2011-2020.

7. In addition, the Ministry of Labour and Social Welfare has issued the following agreements: No. 043/MOLSW on the establishment and management of employment recruitment service enterprises or agencies; No 5523/MOLSW on the establishment and the activities of the monitoring committee; Regulation No. 3824/MOLSW (2002) provides a set of limitations regarding the recruitment of Lao workers abroad. Part 2 of document lists three categories of jobs that are banned from labour migration. These concerned the following: (1) unskilled workers such as cleaners, domestic workers, porters, etc; (2) jobs that are inappropriate and incompatible with the Lao tradition, culture and law, such as work in prostitution, drug and narcotics and illegal political activities; (3) dangerous occupations such as open-sea fishing, exposure to radio-active radiation, etc. Furthermore, there is Decree No 5418/MOLSW on the import foreign labour to Lao PDR, and Note 1450/MOLSW on a minimum wage improvement on date 3 April 2009 [24].

8. Besides those already mentioned, Lao PDR also has a labour policy concerning gender issues that protect the rights of workers and create good work conditions for men and women who work within country particularly for unskilled rural and urban migrant workers. Technical and Vocational Education Training (TVET) Centres were established for skills and vocational development so they can develop the labour force from various sectors in the society to reduce unemployment and meet the demands of the domestic and international labour market. To date, a total of 153 private and state TVET Centres were established.

9. The revised labour law (2007) has specific policy concerning women workers in section V, on Child and Women Employment. Article 38 has stipulated that pregnant women/and mothers with a child of less than one year are to be prohibited from hard work that requires standing long hours at work and from overtime work. Article 16 has specified that work hours should not be more than 8 hours/per day or 6 hours /per day for hazardous jobs Article 39 - 40 provides for maternity leave before and after birth delivery and other maternity benefits. Article 39 of Lao PDR Constitution provides that "Lao citizens have the right to employment and occupation" hence all workers have the right to vacation and sick leaves, medical care in the case of sickness, and social security assistance at the age of retirement". Articles 46 and 50 specify the rights and benefits protection for Lao Citizens who are living abroad and foreigners in Lao PDR, they be "men and women".[25]

[24] MoLSW, (2010). Strategy Plan on Labour Development from 2011-2020.

[25] Lao PDR, Ministry of Labour and Social Welfare, Labour management department.

Continue to conclude bilateral agreements and Memorandums of Understanding with countries and regions to which Lao women migrate in search for work, while ensuring that such agreements fully reflect women's human rights and are in conformity with the Convention.

10. From 2009 and 2010, Lao PDR continued its implementation of the bilateral Memorandum of Understanding (MOU) with its neighbouring counties, particularly with Thailand, on Employment Cooperation through the following:

11. The VI Senior Officials Meeting and II Ministerial Meeting was held at Nakhorn Phanom Province of Thailand on 9-11 September 2009 to jointly evaluate the progress assessment and set up the action plan for next year. The meeting tackled the undocumented Lao migrant workers in Thailand and agreed to change their informal status to become regular worker status according to the bilateral MOU on Employment cooperation.

12. The MOU identified the Ministry of Labour and Social Welfare (MOLSW), Ministry of Foreign Affairs (MOFA) and Ministry of Public Security (MOPS) as the core agencies for the implementation of the nationality verification and issuance of the working visa at destination (Thailand) where they are registered by the Thai Labour Administration.

13. The Ministry of Labour and Social Welfare of Lao PDR has closely collaborated with various line Ministries, provinces and related organizations both nationally and internationally, to solve the issues of Lao illegal workers and to effectively apply the decisions and agreement of these meetings, and to help the irregular Lao Workers in Thailand.

14. In 2008-2009, there was close monitoring, follow up and assistance to the 14,440 undocumented Lao workers, who are faced problems and difficulties of return to their home communities.

15. The government continued to strengthen the capacity of the employment services enterprises; issued booklets and brochures on working safely abroad, on how to process the formal legal documents prior to departure and how to contact the Lao Consulate and the host authorities concerned when the workers are already at the foreign countries. To date, the number of employment services enterprises increased from 9 Units in 2006 to 12 Units in 2011, and have extended their activities from 6 provinces in 2006 to 17 provinces at present. These facilitated the workers recruitment for both domestic and foreign demands and attracted workers' interest to follow the legal channel for employment. These employment enterprises provide services at reduced services fees, minimized documentation procedures, reduced the dispatching time and process to the workplaces/or to their formal employers and provided appropriate training prior their departure.

16. To protect the rights and benefits of Lao migrant workers in Thailand, on 15/7/2010, the Lao PDR Government has assigned the Nationality Verification Committee to officially continue the nationality identification, issue necessary documents and work visa to Lao workers who are already irregularly employed in Thailand;

17. In addition, the Lao PDR Government has legally dispatched Lao workers to Thailand, in accordance to the bilateral employment contract by using the registered

employment enterprises' services, based on the Prime Minister's office decree No 68/PMO.

The progress of Nationality Verification within the 6 last months of 2010

18. The Government Secretariat Office Notice No 640/GSO, dated 20 May 2009, concerning the continuation of the Lao Workers Nationality Verification in Thailand, and the Agreement of the VI Senior Officials Meeting and the II Lao-Thai Labour Ministers Meeting, on September 2009, that continue the bilateral Cooperation for regulating the Lao illegal Workers in Thailand, provides for making legal the status of the undocumented Lao workers into regular workers. Therefore, the Nationality Verification Steering Committee was established. The Minister of Labour and Social Welfare chairs the Committee. Its members include the Director General of Skills Development and Employment Department, the Deputy Chair, the Director General of Consulate Department and the Director of Immigration Department. The Lao Nationality Verification Officers Committee has continued to identify the nationality and issued formal documents to 61,929 Lao workers to legally work in Thailand.

19. The Nationality Verification Committee Report[26] described the process in two phases: Phase 1 - from 19 July to 30 September 2010, was operated in 21 provinces, and Phase 2 - from 01 August to 30 December 2010, was operated in 11 provinces of Thailand. There were a total of 39,539 Lao irregular workers who participated in the Nationality Verification sessions; among them 21,531 (54 %) are women. Of those processed, a total of 38,653 passed that included 21,012 or 53 % female.

20. During the bilateral cooperation with the Thai Labour Administration and other Authorities concerned, data showed about 120,580 Lao irregular workers employed by Thai labour units. However, some of 61,929 have already received the Thai Work Permit, and 58,430 have passed the Nationality Verification.

21. Moreover, Lao PDR also undertook a regular review of the MOU implementation between Lao and Thailand, particularly on the on the change of status of Lao workers from illegal migrant workers to the legal status in Thailand. In addition, the two countries have organized case management meetings every three months, which they hosted alternately.

22. The implementation of Lao-Thai Memorandum of Understanding on Workers Employment Cooperation fully reflected an effort to protect the rights and benefits of Lao workers, as well as their human rights, in accordance to the Convention on the Elimination of All Forms of Discrimination against Women, stipulating that the women migrant workers living abroad should be assisted and protected by related Laws.

Strengthen information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment.

23. The Lao PDR has improved and strengthened information activities on legal work abroad for women workers who plan to do so. In 2009-2011, the Ministry of Labour and Social Welfare (MOLSW), with the co-operation the employment services enterprises/recruitment agencies and the provincial labour department, has jointly organized the workshops and trainings for workers who are working for the

[26] MoLSW, (2011). Ministry of Labour and Social Welfare, 6 months Report on the Nationality Verification of Lao Illegal migrant workers at Thailand (19/07-30/12/2010), Vientiane18/05/2011.

domestic labour units and who are preparing to work abroad. The information focused on pre-departure preparation, about jobs, wages, working hours, health care, and employment's contract, working and living conditions, including the social safety and social relationship abroad.[27] Moreover, they also provided the basic knowledge on labour laws, regulations of working abroad and employment contract for migrant workers before migrating. This is to ensure that potential women migrants are fully aware of and understand their rights, duties, and the regulations for workers as well as of the potential safety risks of such employment abroad.[28]

24. In addition, the recruitment agencies also provide the general information on working abroad and the risks of illegal trafficking of the youth from the rural areas, and guide them to use the formal channels. Brochures are issued and distributed to Lao workers who intend to legally work abroad, to acquire the basic knowledge on the legal channels, their rights and entitlements to fair remuneration, social services and safety, secure remittance channels for their family, and how to work safely, avoid being arrested, exploited and become victims of human trafficking.

25. The Lao PDR uses various tools to disseminate the useful information regarding the safe and regular channel to go and work abroad and the risks and dangers for the illegal migrant workers. These are done by issuing newscasts, radio drama and video tapes) through the news papers, radio and television channels, displaying the posters at the public places to inform the youth and Lao workers on the dangers of going and working illegally in abroad and the risks of becoming the victims of human trafficking of migrant workers in Thailand.

26. The Ministry of Education and Sports has included in the formal and non-formal education curriculum the information on the dangers of illegal migration in foreign countries and the risk of becoming victims of human trafficking. The National University of Laos (NUOL) collaborated with the Lao Women Union and international organizations such as UNIAP and AFESIP in organizing the conference for students at NUOL on "Migration and Human Trafficking in Laos" in 2008. There were more than 500 participants.

27. Moreover, the state has collaborated with NGOs and international organizations (UNIAP, ILO, UNESCO, UNICEF, IOM, ARTIP, UNIFEM, NCA, VFI, AFESIP, World Vision, World Education, and Save the Children-Australia) in organizing information campaign on the problems of illegal cross-border migration, awareness of safe migration and working in other countries. The target groups are the youth and students in local communities. In addition, the capacity trainings for state and private employees and involved officers were organized which specifically focused on the social assistance and protection mechanisms for female migrant workers in Lao PDR.

28. In 2008-2009, the state provided a series of training on labour laws, regulations and legislation for Lao workers in 319 factories, companies and projects. There were a total of 2,770 participants that included 252 (9 %) female. At the same time, the state strengthened the awareness-raising campaign on illegal migration

[27] Ministry of Labour and Social Welfare of Lao PDR, (MOLSW) (2010). "Annually Report of Labour 2010", Department of Employment Promotion Vientiane, Lao PDR.

[28] Phouxay et al., (2008). A study of formal and informal recruitment practices of Lao workers migrating to Thailand, faculty of Social Sciences, National University of Laos, edited by Roy Huijsmans and supported by ILO, Bangkok, January 2008.

abroad for the students at lower and upper secondary schools in 3 provinces that involved 6,000 participants.

Introduce gender-responsive government policies, legislation, regulation and programmes to protect women labour rights for outgoing, returning and incoming women migrant workers, including those who go abroad through informal channels, from all forms of violation of their rights.

29. To provide policy guidance on the promotion of gender equality and women's rights, the National Committee for the Advancement of Women (NCAW) and Lao Women Union (LWU) at various Ministries and Departments, at all sectors and organizations, both at the central and provincial level, have closely linked with the state administration of all levels, to promote the integration of gender equality and women's rights, resulting in the establishment the National Commission for the Advancement of Women. It consists of central, provincial, districts and villages consulting offices/units, that aim to aid women and children who are facing exploitation, violence, human trafficking and other forms of discrimination.

30. Moreover, Lao PDR has revised the existing laws including the government policies, legislation and regulation related to the domestic labour management and including protection for labour migration abroad. These laws are reinforced by the Law on the Development and Protection of Women that includes provisions to assist female migrant workers.

Assistance and protection of the rights and benefits of women migrant workers

31. The Governments of the Lao PDR and Thailand have cooperated on providing assistance to women migrant workers who faced problems during their employment and residence in Thailand, following the MOU on cooperation employment. These include access to justice and protection by the law of women workers during the waiting period for formal deportation to their home country. The responsible units of the two state parties have provided shelter and suitable protection. The two countries designated specific state authorities[29] to serve as the central co-operation team to implement sending and receiving procedures for those migrant workers such as the following: (1) preparation to receive and send migrant workers back to home country; (2) sending the migrant workers according to plan; (3) safe security protection in the process of sending back; (4) tracking the phenomenon of trafficking; and (5) create the information network in order to prevent the trafficking of migrants.

32. In helping women migrant workers who are faced with problems, the state also applies not only the labour law but also the Law on the Development and Protection of Women. Articles 20 -26 specified that the police has to cooperate with local administration to provide urgent assistance to the victims by carrying them to safe shelters and providing aid such as food, accommodation, medical care, regulation knowledge, vocational training and transferring them to their home community. In addition, Articles 27-37 stipulated on the responsibility the organizations concerned, namely: Ministry of Labour and Social Welfare, Ministry of Public Health, Ministry of Education and Sports, Ministry of Foreign Affairs, Ministry of Public Security,

[29] State authorities include Ministry of Labour and Social Welfare, Ministry of Public Health, Ministry of Education and Sports, Ministry of Foreign Affairs, Ministry of Public Security, Central Tribunal, National Committee Against Human Trafficking, Lao Women Union, Local and Provincial Administration.

Central Tribunal, National Committee Against Human Trafficking, Lao Women's Union and Local and Provincial Administration, for assisting women and children who face problems while working abroad, including exploitation and violence.

33. In addition, all civil society organizations (CSOs) have the obligation to assist the mentioned victims.[30] Under the labour law, ministries and organizations have developed the detailed rules and action plan to protect the rights and benefits of migrant women labourers within the country and abroad, including formal and informal migrants, while returning home and reintegrating to the Lao society. These organizations have been assisting women migrant job seekers in terms of the following:

34. From 2002–2010, in the Memorandum of Understanding on Workers Employment Cooperation, the Ministries of Labour & Social Welfare and Public Security in collaboration of International Organization for Migration (IOM), have assisted women and children who face problem during working and living in Thailand and those were repatriated home of about 1,300 persons.

35. The Ministry of Labour and Social Welfare, Central Lao Women Union/Lao Youth Union/and AFESIP have continued to assist women migrant workers who returned home, by providing accommodation, vocational education & training, some funding to support their small business upon returning to their respective home community.

36. Within the MOU Framework and in close cooperation with the UNIAP, these Ministries and Organizations are following up those missing Lao migrant workers in Thailand. A total of 160 persons were found, including 110 women, and 4 were rescued, all women.

37. With the assistance of AFESIP, 2 help centres were opened in Vientiane Capital and Savannakhet Province, to assist women migrant workers who were deported and repatriated home. These centres also provided the temporary accommodation, food, clothing, health care, counselling service, basic education, and vocational guidance. In 2008 – 2010, the centres received and sent home 71 migrant workers, and provided the vocational training and supported 40 persons to establish their family business.[31]

38. Jointly with AFESIP, vocational training for 44 women and children were conducted and loans amounting to 26,000,000 Kip or U$ 3,250 (at U$1=8,000 kip) were provided to establish the small enterprise of 12 persons of about, and supported school materials for 515 children from poor families who were enrolled in the in the local village schools.

39. Jointly with Friends International, skills training were conducted on food cooking for 18 persons and on motorbikes repair for 12 persons.

40. The training for 27 officers in the Counselling Centre for women and children was conducted and support loans in amount 83,000,000 kip or U$ 10,375 were provided to

[30] Lao PDR, Law and Prime Minister Office Decree on Implementing the Law on Women Development and Protection, by Central Lao Women Union. Central of women and girls protection.

[31] Lao PDR (2011) Ministry of Labour and Social Welfare, Welfare Department, Report on the Children Assistance, from 2008 -2010 and Action plan 2011.

16 women who are victims of trafficking for them to start anew and for their own household needs.

41. The protection services provided to female migrant workers who faced problems upon returning to the country are: mental health rehabilitation, counselling for migrants and their family, shelter, job training and seed capital for their own business at the local community. The concerned organizations that supported these activities include MOLSW, LWU, UNDP, UNICEF, UNODC, UNIFEM, ILO, IOM, UNIAP and others NGOs such as AFESIP, World Vision, Save the Children Australia, Norwegian, Church Aid, and Village Focus International. Moreover, these organizations also created the network that provides the information and awareness on the risks of illegal working abroad, especially for women and children. On top of these, the State itself directly assisted the target villages, for instance, in establishing the village development fund for improving villagers' income from agriculture production, handicraft, weaving and others.

Take a coherent and comprehensive approach to addressing the root causes of women's migration, including through the creation of the conditions necessary for sustainable development and of safe and protected jobs for women as a viable economic alternative to migration or unemployment

42. The Government of the Lao PDR (GoL) has coherent internal and international mechanisms to address the root causes of women's migration at their communities of origin. This is related to multi-sectoral responsibility that includes private and state sectors in society. The most important goal is to reduce poverty within the country, improve the standard of living among ethnic communities especially among women and girls as well as the youth who are the main forces of socioeconomic development. On one hand, there is a state strategy to generate more jobs by encouraging domestic and foreign investments in small and medium businesses in order to balance the labour force supply and the jobs available.[32]

43. Past researches revealed that migration has steadily increased from rural to urban areas within provinces, from different provinces to Vientiane Capital and across countries, especially migration to Thailand during the past decade.[33] This has been due to the changes of socioeconomic condition within country that resulted to big disparities in living conditions between rural and urban, provinces and capital city and as well as with the neighbouring countries. Specifically, these are in terms of income, employment options, living conditions, urban variety and the influence of modern civilization from foreign countries that drive youth migration to go abroad.[34] Among women, there have been changes in the gender relations in Laos that supports women's equal right to participate the country development. Women also aspire for good living condition, income, permanent jobs like the men's, and the similar aspirations to help their parents with family subsistence.[35]

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[32] Lao PDR, (2009). Report on the implementing of labour and Social Welfare Development in 2008-1009 and Plan in 2009-2010 , Ministry of Labour and Social Welfare, November 2009.

[33] Lao PDR, (2009). Report on the implementing of labour and Social Welfare Development in 2008-1009 and Plan in 2009-2010 , Ministry of Labour and Social Welfare, November 2009.

[34] Phouxay, K.: Malmberg, G. and Tollefsen, A. (2010).Internal Migration and Socio-Economic Change in Laos. Migration Letters, Volume: 7, No: 1, pp. 91-104. April 2010 (www.migrationletters.com).

[35] Phouxay, K. and Tollefsen, A. (2010).Rural-Urban Migration, Economic Transition, and Status of Female Industrial Workers in Lao PDR. Population Space and Place, Vol.17, Issue 5 page i-706. September/October 2011, pp 421-434. (www.interscience.wiley.com) Doi:10.1002/psp.620 (2010).

The main causes of women's migration are:

44. Push factors: poor family condition, need for employment and income to help their parents out of poverty, support their siblings' education, to raise funds for a self-sufficient family economy and establish own business at home. Some are duped by the illegal employment brokers and are attracted by friends and relatives working in Thailand. The migrant workers remittances have not only has improved the famil, living condition and income at home, but created an economic difference between the family without any member working abroad and the family who have some members working in Thailand. Hence, this stirred non-migrants to make the decision to seek employment abroad.[36]

45. Pull factors: TV and mass media project images of modernization abroad that influenced job preferences away from agriculture and instead, lure job seekers to work in factories, to see the 'civilized society' and to experience of glittery lights of the cities, other adventures that modernization can offer. Some migrants were encouraged by relatives or friends who are working in Thailand or by informal brokers.[37] In addition, the pull factors take the form of Thai employers that demand cheap labour from neighbouring countries such as Laos.

47. Facilitating factors: Social networks also play a significant role for cross-border migration from Lao PDR to Thailand. Most migrant workers have relatives or friends who worked in Thailand before. The most important factor for migration are the similarity and language and culture of Lao and Thai people. The efficient transportation and communication link between two countries further makes it easy for Lao migrant workers to travel to Thailand. Most migrants use only the border pass or passport with tourist visa then overstay to work without the legal work permit.[38]

Addressing the root causes of women workers overseas

48. Lao PDR Government has been addressing the root causes of women's outmigration. The responsibilities of many Ministries, other state organizations and the private sectors have been defined to generate and improve local employment for the youth workers, by promoting the investments and the skill development suitable for every socio economic sector. In the past years, the Government has focused on:

Providing employment within the country

49. In 2008-2009, the Government has generated employment for a total of 210,922 workers in the following sectors: Agricultural Sector - 197,654; Construction & Industrial - 12,960; Services Sector - 308.

50. Expanded the investments for small and medium enterprises that generated more employment for women in the country. In 5 years (2006-2010), the state

[36] Rigg J. (2007). Moving lives: migration and livelihoods in the Lao PDR. Population, Space and Place. 13: 163-178.

[37] Huguet, J. W. and SureepornPunpuing (2005).International Migration in Thailand. Bangkok, International Organization for Migration.

[38] Phouxay K. (2008). "The consequences of migration for Lao migrant workers in Thailand and their families left behind in Lao PDR". In: uchadaThaveesit, Peter Vail, RosaliaSciortino (eds) Transborder Issues in the Greater Mekong Sub-region. Mekong Sub-region Social Research Center (MSSRC), Faculty of Liberal Arts, UbonRatchathani University.

provided employment for 555,661 Lao workers, exceeding the projected jobs by 2.23%.

51. Developed the quality of more skilled workers to supply the demands of the domestic and international labour market; conducted surveys on the employment and skills development needs of the economic region and sectors, along with the skills standards development, etc. to inform the labour market requirements.

52. Created more employment opportunities within the country to minimize outmigration of workers by improving and expanding the reach of the Employment Services Centres as employment information centres to announce on the employment vacancies to the job seekers; and extended the investment projects to the rural areas to create more employment for minority ethnic workers.

53. Protected workers rights and benefits, ensured stable employment, safety and health standards work, adequate wages, and monitored labour units to provide decent work conditions. In 2009, the Labour Administration, with the cooperation of the related organizations, visited and inspected the welfare performance of 1,026 Labour Units all over the country that employ 30,629 workers.

54. In addition, the Ministry of Labour and Social Welfare has settled 70 labour conflicts between the Employers and Workers; and in 37 cases, benefits to the workers of about 460 millions Kip (Lao PDR, 2009) or US $57,500 were refunded.

55. To facilitate the access to employment information and recruitment, the Labour Administration put on place 2 systems (employment services and wider options) and 4 options[39] such as the following:

(a) for the workers who are willing to work within the country;

(b) for the workers who are willing to work abroad;

(c) for the workers who are willing to undertake a vocational occupation;

(d) for the workers who are willing to engage in seasonal Jobs.

Recruitment of migrant workers for jobs abroad

56. A total of 4,027 Lao workers were legally recruited for jobs in the following sectors: (134 in Agricultural Sector; 3,476 in Industrial Sector and 417 in Service Sector).

Protection of Women Migrant Workers in foreign countries

57. Assisted and provided employment and occupation in their local community, for 165 workers, 71 are female.[40]

The Creation of the condition for sustainable development

58. In order to create the condition for sustainable development in Lao PDR, the Government has expanded the development projects to the rural areas such as agricultural projects, handicrafts projects, herbal medicine production and others. These provided the opportunity for the rural people to have additional livelihood after their harvest seasons and earn income to enhance the living standards.

[39] Ministry of Labour and Social Welfare, Department of Employment and Skills Development.

[40] Lao PDR, Ministry of Labour and Social Welfare, Report on the Development of Labour and Social Welfare Activities 2008-2009 and Action Plan 2009-2010, as on November 2009.

59. Established development community projects in the rural areas by clustering small villages into a larger community (kumbans) and develop the larger communities to become small rural towns. The government also provided rural development projects, promoted occupational training for villagers focused on agriculture, handicrafts, and provided 124 billion LAK or US $15.5 million for implementing a total of 491 rural development projects.

60. Organized the training workshops on community development planning for 2,720 officers of local authorities 2,720 officers from 133 villages in 69 districts.

61. Established the village development fund with a total capital of 42,53 billion Lao Kip or U$ 5.3 million that benefited 528 villages. The Agriculture Promotion Bank provided lent out a total of 1,284 billion LAK or U$ 160,500 to 130,000 farming households. The Policy Bank also provided loans worth a total 805,55 billion Lao Kip or U$ 100,693,750 to 65.431 households.

62. A poverty reduction fund worth 203 billion Lao Kip or U$ 25,375,000 was accessed in 7 provinces targeting 21 poor districts, 16 communities and 1900 villages. Generally, these resulted in improving the livelihood of ethnic communities. According to the National Survey, the poverty rate in Lao PDR has declined from 27.7% (2002-2003) to 20.40% (2009-2010).[41]

63. At the same time, the Government focused on skills development for the workers in rural communities to discourage migration to the urban centres; and vocational training for the vulnerable youth in urban towns (including the pre-employment for job seekers in the domestic and foreign labour market) with the policy on promoting the establishment 153 technical and vocational training schools and centres, that trained 74,128 skilled workers, which exceeded the target of 14.18 % in 2009-2010.[42]

64. Continued the promotion of formal and non-formal education in order to provide the opportunity for the youth to access basic vocational education, to enhance their skills to meet the local labour market demands, instead of working abroad.

65. In addition, the Government promoted foreign investment in the services and tourist industry, providing the employment to migrant workers from rural areas.

Labour force and skills development activities:

66. The Lao PDR regarded human resource development as important for the country's sustainable development hence it ensured that the labour force has good qualification, skills and experiences.[43]

67. A total of 153 state and private vocational training centres were built, e.g., Lao-Korea Vocational Centre in Vientiane Capital; the Skills development for the northern Laos at Oudomxay Province; for the southern Laos, at Champasak Province and in the other parts of the country. Of these Centres, 92 are privately owned. The number of students significantly increased every year, from 5,070 in 2006) to 5,374 in 2007 or 230% increase; 16,158 in 2008 or 201% increase; and 29,766 (in 2009) or 84 % increase

[41] The IX Congress of Lao People's Revolutionary Party , 2011 pp 50-61.

[42] The IX Congress of Lao People's Revolutionary Party , 2011 pp 65.

[43] Lao PDR, Ministry of Labour and Social Welfare, Report on the Development of Labour and Social Welfare Activities 2008-2009 and Action Plan 2009-2010, as on November 2009.

for a total of 74,069 persons. In 2010-2011, the state provided the training course for 31,330 workers that included 9,848 female (31%).[44]

68. Jobs and employment for the women youth in the rural communities were created by promoting local handicraft production, with the pilot project for "One Village One Product" (OVOP) at Champasak Province.

69. Employment provision for the domestic demand increased year by year - from 6,404 in 2006 to 21,099 in 2007 or 229 % increase; 74,992 in 2008 or 255 % increase , and 214,949 in 2009 or 187 % increase. Altogether, 317,444 persons were employed.

70. The State has sent through the legal channel 16,193 Lao workers abroad from 2008-2009. Among them are 4,256 or 26 % women.

71. The Ministry of Education and Sports has linked with lower, medium and upper vocational schools to enrol those students completing the primary and secondary schools but who cannot enrol in universities. Encouraging more students to enrol in technical and vocational Education will hopefully lead to reduced unemployment and will satisfy the demand of the labour market.

Safe and protected jobs for women as a viable economic alternative to migration and unemployment

72. To ensure safe work conditions for women workers, the government mobilized the evaluation of labour- management relations every year. Labour inspection visits are in compliance with Agreement No. 5522/MOLSW, 04/12/2009 on the nomination and implementation of labour control officers; No. 2398/MOLSW, 10/11/2010 on the establishment of tri-partite committees with representatives of government (MOLSW), employers (Commercial and Industrial Chamber (CIC)) and employees (Lao Federal Trade Union (LFTU)). All activities are focused on labour-management relations at national level. The tripartite committee initiated dialogues on labour laws, regulations and legislations to evaluate the labour-management relations, and resolve problems and conflicts between workers and employers. Employers have to improve the working and living conditions of workers in the factories and other work sectors in the country to retain their workers in Laos and to reduce the cross-border migration to other countries.

73. At the same time, MOLSW has advised the employers who employ Lao workers to strongly respect the labour laws, specifically part VI, Article 42 that stipulates the measures on labour protection and safe work conditions. Article 43 has provisions for the health care of workers and in articles 61-65, on the settlement of labour disputes. These have improved the workers remuneration, working environment in domestic factories, attracted more Lao workers and reduced migration to foreign countries, especially women workers.

74. To make sure that the labour management and social welfare practices will be done well, the National Assembly has adopted a new law on labour management in 2012 and the law on social welfare in 2013 by MOLSW.[45] Earlier in 2009 Lao labourers have been protected and serviced by a social welfare system 11.7%.[46]

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[44] Ministry of Labour and Social Welfare, annual report 2010-2011.

[45] The 5th year plan of the law revision and creation, National Assembly VII (2011-1015) No 05/NA date 24 June 2011.

[46] The IXth Congress of Lao People's Revolutionary party, 2011, pp 65.

75. In 2010, ILO convened three cooperating organizations (MOLSW, LFTU, CIC) to introduce protection on the rights and benefits of migrant workers within the country, access to the justice and safe employment contracts.

76. Organized labour monitoring / inspection visits in 2,026 units, which covered 30.629 workers. It provided counselling on labour laws to 50 Units;

77. It mediated labour conflicts in business and factories, between employers and employee. These involved 70 cases, of which 37 cases were resolved in favour of the workers to the amount of 460 million Lao Kip (U$57,500).[47]

78. Migrant workers abroad, especially those in Thailand were evaluated in collaborative monitoring between MOLSW and relevant internal and international organizations, and by following the agreement of MOU between Lao PDR and Thailand on employment cooperation.

79. For the safety and protection of those working in Lao PDR and abroad, the state has guided Lao workers to use the formal and legal service channels (the employment service enterprise/ recruitment agencies) or securing a registration card or work permit from MOLSW before working abroad.

Strategy and Action Plan on Developing Labour-Management Relations, 2011 to 2020

80. To promote Gender Equality among groups with less opportunity for employment so that they will have more access to the labour market and benefit more with fair& equal remuneration; and to protect the Lao and foreign workers' rights and benefits.

81. There are 6 projects that includes the promotion of public participation in the protection and capacity building for women and child workers such as: skills development training that reached out to more number of trainees and improved the quality of skills; (2) Project on employment provision to reduce illegal migrant workers; (3) Project on Lao and foreign workers rights and benefits protection; (4) Project on promoting the participation of the public in the protection and capacity building for women and child workers, (5) Project on Foreign Workers in Lao PDR Management System to be strictly under the concerned Laws; (6) Project on Developing the Counselling Mechanisms to Strengthen the Protection of Workers Rights and Benefits.

In conclusion, Lao PDR been implementing the international human rights and labour conventions such that the national assembly has adopted many laws that are relevant to the gender-responsive internal and international labour migration. The State has continued to implement the MOU with Thailand on employment cooperation such that majority of those who have no work permit in Thailand have already been given legal status are provided with the national verification and visa document so that they can now work abroad legally.

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[47] Lao PDR. Report on the implementing of labour and Social Welfare Development in 2008-2009 and Plan in 2009-2010 , Ministry of Labour and Social Welfare, November 2009.